IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

Crl.MC.No. 4038 of 2006()

AGAINST THE JUDGEMENT/ORDER IN BA.6091/2006 Dated 12/10/2006

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PETITIONER: PETITIONER/ACCUSED NO.2:

M. BALAMURALIKRISHNAN,
S/O. K.KRISHNAN NAIR, KAMAYIL HOUSE,
NADUVA AMSOM, PARAPPANANGADI.

BY ADV. SRI.P.VIJAYA BHANU
SMT.P.MAYA

RESPONDENTS: COMPLAINANT-STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.4038 OF 2006

Dated this the 19th day of December, 2006.

ORDER

The petitioner is the 2nd accused in a crime, inter alia, under Sections 326 & 307 read with 149 I.P.C. The petitioner surrendered and was in judicial custody from 03.10.2006. By order dated 12.10.2006, another Bench of this Court had directed release of the petitioner on bail subject to conditions, inter alia, that the petitioner shall not enter the Sessions Division of Manjeri for a period of 3 months. The petitioner came to this Court earlier with a prayer to delete the said condition. The said petition was dismissed, but with the observation that the petitioner can come to this Court again with such request, not at any rate, prior to 12.12.2006. Accordingly the petitioner has come to this Court now.

2. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that threat to the law and order situation is perceived if the petitioner were permitted to be present at and near the scene of the crime before elapse of the period of 3 months stipulated by the Court which granted bail. The petitioner and the victim are co-

teachers in the same school. Presence of the petitioner at the scene of the crime will be dangerous and a threat to the law and order situation. In these circumstances the prayer may not be granted, submits the learned Public Prosecutor.

3. The condition that the petitioner should not enter the Sessions Division is to remain only till 12.01.2007 and in these circumstances, I am not persuaded to agree that the said condition deserves to be deleted now. I am satisfied that the other conditions imposed need not also to be modified or altered at this stage when the investigation is not complete.

4. This petition is, in these circumstances, dismissed.

R.BASANT
JUDGE

rtr/